

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : 15-CR-627 (LDW)

-against- : U.S. Courthouse

: Central Islip, New York

JAMES BURKE

Defendant : January 6, 2016

- - - - - X 11:15 a.m.

BEFORE:

HONORABLE LEONARD D. WEXLER
United States District Judge

APPEARANCES:

For the Government: ROBERT L. CAPERS
United States Attorney
Federal Plaza
Central Islip, New York 11722
BY: LARA TREINIS GATZ
Assistant U.S. Attorney

For the Defendant: LaRUSSO & CONWAY
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Suite 341
Mineola, New York 11501
BY: JOSEPH R. CONWAY

Court Reporter: RONALD E. TOLKIN, RPR, RMR, CRR
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1 THE CLERK: All rise.

2 THE COURT: Be seated.

3 THE CLERK: Calling criminal case 15-CR-627, United
4 States of America versus James Burke.

5 Counsel, please state your appearance for the
6 record.

7 MS. TREINIS-GATZ: Good morning, Your Honor.
8 Lara Treinis-Gatz for the United States.

9 MR. MISKIEWICZ: Good morning, Your Honor.
10 James Miskiewicz for the United States.

11 MR. CONWAY: Good morning, Your Honor.
12 Joseph Conway on behalf of James Burke.

13 THE COURT: All right. What's happening?

14 MS. TREINIS-GATZ: Your Honor, since we were here
15 last the government has provided approximately 3,000 pages of
16 discovery to defense counsel. We are in the process of a
17 second production of discovery which we expect to give to
18 counsel at the end of the week. But we're moving along at a
19 good clip with respect to discovery, and we should be done
20 with discovery within the next few weeks.

21 MR. CONWAY: That is correct, Your Honor.

22 In terms of discovery demands on the government,
23 that they have been good so far with respect to turning things
24 over. I spoke to the government, and with the court's
25 approval, what we're thinking is adjourning the status

1 conference, I believe it was to February 9th. We're willing
2 to waive speedy trial time during that period and come back on
3 the 9th, having seen the discovery, and we can then set a
4 trial date.

5 THE COURT: February 9th. How is January 29th? I
6 believe that's a Monday.

7 MS. TREINIS-GATZ: January 29th is a Friday, Your
8 Honor. Are you saying for trial?

9 THE COURT: No, no.

10 MR. CONWAY: Judge, is it possible --

11 THE COURT: That's a Friday, the 29th?

12 MS. TREINIS-GATZ: February 29th is a Monday. Were
13 you thinking of that for the trial?

14 THE COURT: For the return date, I want it sometime
15 at the end of January.

16 MS. TREINIS-GATZ: Okay.

17 MR. CONWAY: Judge, the last couple of days of
18 January are bad for me. Can we do February 1st or
19 February 2nd or the 3rd? One of those days?

20 THE COURT: All right. How about February 2nd?

21 MR. CONWAY: That's fine, Judge.

22 THE COURT: But also, I'd like to set a trial date.

23 MR. CONWAY: I think it would be more prudent to do
24 that at that time but if you'd rather set it today --

25 THE COURT: I would like to set it today so I can

1 make plans. I would like to take a short vacation. I don't
2 want my wife depending upon what you two lawyers agree to
3 do --

4 MR. CONWAY: I understand, Judge.

5 THE COURT: As an outside date so I know I can leave
6 without worrying about this case in any way.

7 MR. CONWAY: Judge, I was thinking about March 21st.
8 It's a Monday. That's what I had kind of targeted. So if
9 that's good for the court --

10 THE COURT: Is that all right with you?

11 MS. TREINIS-GATZ: Yes.

12 THE COURT: The trial date is March 21st. The
13 speedy trial waiver is as to what date?

14 MR. CONWAY: I'm willing to waive up to the next
15 conference. I'm sure we'll waive from there as well.

16 THE COURT: Okay. That's February --

17 MR. CONWAY: The 2nd, I believe.

18 THE COURT: February 2nd, there is a waiver of the
19 speedy trial time.

20 Let me ask the defendant, does he understand what a
21 waiver of speedy trial is?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you consent to the waiver of the
24 speedy trial time?

25 THE DEFENDANT: Yes, I do, Your Honor.

1 THE COURT: Okay. So it'll be a waiver of the
2 speedy trial time to February 2nd, with a trial date of
3 March 21st.

4 MR. CONWAY: Thank you, Your Honor.

5 THE COURT: Anything else?

6 MS. TREINIS-GATZ: No, Your Honor. I would just ask
7 for a completed speedy trial time form so that the discovery
8 exchange can continue and we could have discussions regarding
9 this trial --

10 THE COURT: Yes.

11 MS. TREINIS-GATZ: Issues.

12 Thank you.

13 THE COURT: Jury selection will be before Magistrate
14 Judge Lindsay.

15 MS. TREINIS-GATZ: Yes, Your Honor.

16 THE COURT: If we need one.

17 MS. TREINIS-GATZ: We consent to that, Your Honor.

18 MR. CONWAY: We did, Your Honor.

19 THE COURT: You consent, okay. Thank you.

20 MR. CONWAY: May I approach, Your Honor?

21 (Handing to the court the speedy trial waiver form.)

22 THE COURT: All right.

23 I have signed it.

24 MR. CONWAY: Thank you, Your Honor.

25 MS. TREINIS GATZ: Thank you, Your Honor.

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1 Call the next case.

2 (Proceeding concluded.)

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